

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-40530  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EVERETT NEIL AUSTIN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-96-CR-286-1  
- - - - -

December 4, 1997

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

Everett Neil Austin appeals his conviction for possession of 919 kilograms of marijuana with intent to distribute. He contends that the evidence adduced at trial was insufficient to support the verdict in that the Government failed to prove that he knew the marijuana was concealed in his tractor-trailer. We have reviewed the record and the briefs of the parties and hold that the evidence was sufficient to support the elements of

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

possession of marijuana with intent to distribute. Jackson v. Virginia, 443 U.S. 307, 319 (1979); United States v. Gonzales, 121 F.3d 928, 936 (5th Cir. 1997). Besides showing that Austin had control of the truck that contained the drugs, the Government produced additional indicia of proof permitting an inference that Austin knew he was carrying the marijuana. See United States v. Lopez, 70 F.3d 575, 577 (5th Cir.), cert. denied, 116 S. Ct. 1867 (1996); United States v. Pennington, 20 F.3d 593, 598 (5th Cir. 1994).

AFFIRMED.